

La Mesa-Spring Valley School District

Board of Education

**Special Meeting
March 12, 2012**

Our Purpose

To Inspire Learning and Respect

Our Vision

**La Mesa-Spring Valley School District is a
community of life-long learners who engage in
continuous improvement and contribute positively to
a global society, within a safe learning environment**

**4750 Date Avenue
La Mesa, California 91941-5293
Phone: (619) 668-5700
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AGENDA
BOARD OF EDUCATION MEETING
LA MESA-SPRING VALLEY SCHOOL DISTRICT
SPECIAL SESSION: Monday, March 12, 2012 - 3:30 P.M.
PLACE: Education Service Center, 4750 Date Avenue, La Mesa, CA

OPENING PROCEDURE

1. Call to Order
2. Pledge of Allegiance
3. Establishment of Quorum

MINUTES OF PREVIOUS MEETING(S)

Action

COMMUNICATIONS

APPROVAL OF AGENDA

Action

HEARING

1. Public Hearing – Matters Regarding Special Agenda

NEW BUSINESS

HUMAN RESOURCES

- | | | |
|----|--|-------------------|
| 1. | Resolution 11-12-16, Establish Criteria to Determine the Order of Lay Off and Re-employment for those Certificated Employees with the Same First Date of Paid Probationary Service | Roll Call
Vote |
| 2. | Resolution 11-12-17, Reducing Certain Certificated Services for the 2012-2013 School Year | Roll Call
Vote |

ADJOURNMENT

* Items may be removed from the Consent Calendar for separate action.

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, including auxiliary aids or services, in order to participate in the public meetings of the District's Governing Board, please contact the office of the District Superintendent at 619-668-5700. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with this meeting in appropriate alternative formats for persons with a disability.

In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or all of the Board of Education in advance of their meetings may be viewed at the Education Service Center located at 4750 Date Avenue, La Mesa, California 91941. In addition, if you would like a copy of any record related to an item on the agenda, please contact Barbara Martinez, Board Recording Secretary, at 619-668-5700, Ext. 6383 or e-mail: barbara.martinez@lmsvsd.k12.ca.us

Board of Education agendas and minutes are, by law, public documents. Please note the La Mesa-Spring Valley School District posts Board agendas and minutes on the Internet.

**La Mesa-Spring Valley School District
GOVERNING BOARD AGENDA
March 12, 2012**

PREPARED BY: Brian Marshall
Superintendent

ITEM NUMBER: H-1 Public Hearing
Matters Regarding Special Agenda

A hearing session will be announced for anyone who wishes to address the Board on any topic relating to this special agenda.

Each speaker who wishes to address the Board must complete a *Request to be Heard* card (located on the table near the entrance) and submit it to the President of the Board of Education or the Recorder prior to the opening of the meeting. Speakers shall be allotted no more than three (3) minutes each for their remarks. A yellow card will be shown when the speaker has one minute remaining and a red card when time is up.

Please note that Government Code 54952.2 prohibits the Board from taking action or discussing anything that is not on this agenda. Therefore, the Board will not be able to comment on any topic that is not on this evening's agenda.

**La Mesa-Spring Valley School District
GOVERNING BOARD AGENDA
March 12, 2012**

PREPARED BY: Claudia Bender
Assistant Superintendent, Human Resources

ITEM NUMBER: HR-1 Human Resources Recommendations
Resolution 11-12-16, Establish Criteria to Determine the Order of Lay Off and Re-employment for those Certificated Employees with the Same First Date of Paid Probationary Service

ROLL CALL VOTE

Pursuant to provisions of Education Code section 44955(b), should it become necessary, the Board of Education shall determine the order of termination for certificated employees who first rendered paid probationary service to the District on the same day.

ADMINISTRATIVE RECOMMENDATION

It is recommended the Board adopt the attached Resolution, 11-12-16, Establish Criteria to Determine the Order of Lay Off and Re-employment for those Certificated Employees with the Same First Date of Paid Probationary Service.

RESOLUTION 11-12-16

**ESTABLISH CRITERIA TO DETERMINE THE ORDER OF LAY OFF AND
RE-EMPLOYMENT FOR THOSE CERTIFICATED EMPLOYEES WITH
THE SAME FIRST DATE OF PAID PROBATIONARY SERVICE**

On Motion of Member _____, seconded by Member _____, the following resolution is adopted:

WHEREAS, the Board of Education is required to determine the District needs should it become necessary to determine the order of termination for certificated employees who first rendered paid probationary service to the District on the same day pursuant to provisions of Education Code section 44955(b), and

WHEREAS, for the 2011-2012 school year only, to meet the requirements of Education Code section 44955(b), the Board of Education establishes the following tie breaking criteria, which the Board has determined meets the needs of the District and its students.

The following rating system shall be applied in determining the order of termination of certificated employees who share the same first day of paid service in a vacant probationary position:

1. Prior Temporary, Probationary or Tenured Certificated Service in La Mesa-Spring Valley School District
A point value of +1 will be granted for each year of temporary, probationary or tenured certificated employment with the District that was rendered prior to the current seniority date/first date of paid service in a probationary position. This criterion applies to certificated employees who prove prior service with the District. A year of service is defined as *contract* service for seventy-five percent (75%) or more of the number of working days of any school year, including paid leave, but excluding leaves without pay.
2. Prior Contracted Certificated Employment Outside of the La Mesa-Spring Valley School District
A point value of +1 will be granted for each year of full-time temporary, probationary or tenured certificated employment with another school district prior to the current seniority date/first date of paid service in a probationary position with the La Mesa-Spring Valley School District. A year of service is defined as *contract* service for seventy-five percent (75%) or more of the number of working days of any school year, including paid leave, but excluding leaves without pay.
3. Earned Degrees Beyond the BA/BS Level
A point value of +1 will be added for each earned degree beyond the BA/BS level.
4. Teaching and/or Special Service Credentials
A point value of +1 will be added for each teaching and/or special service credential held, including Reading Certificate. (This does not include any English Learner Authorization, including CLAD Certificate.)
5. Supplementary Authorizations
A point value of +1 will be added for each supplementary authorization issued to the employee by the California Commission on Teacher Credentialing.

6. Lottery

In the event common day hires have equal qualifications based on application of the above criteria, the District shall break ties by utilizing a lottery conducted by the Assistant Superintendent, Human Resources. The lottery will be held in the presence of a representative from the La Mesa-Spring Valley Teachers Association.

NOW, THEREFORE, BE IT RESOLVED for the 2011-2012 year only, the afore-mentioned criteria be used to establish the order of lay off and re-employment when two (2) or more certificated staff have the same first date of paid probationary service.

PASSED AND ADOPTED by the Board of Education of the La Mesa-Spring Valley School District of San Diego County, California, this 12th day of March, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

I, Brian Marshall, Secretary to the Board of Education of the La Mesa-Spring Valley School District of San Diego County, California, do hereby certify the foregoing is a full, true, and correct copy of a resolution adopted by said Board at a special meeting held on the 12th day of March, 2012.

Brian Marshall, Secretary to the Board of Education

**La Mesa-Spring Valley School District
GOVERNING BOARD AGENDA
March 12, 2012**

PREPARED BY: Claudia Bender
Assistant Superintendent, Human Resources

ITEM NUMBER: HR-2 Human Resources Recommendations
Resolution 11-12-17, Reducing Certain Certificated Services for the 2012-2013 School Year

ROLL CALL VOTE

The California Court of Appeals has issued a significant decision regarding the classification and release of temporary certificated employees. In *Stockton Teachers Association CTA/NEA v. Stockton Unified School District et al.*, (March 1, 2012) the California Court of Appeals held that certificated employees employed pursuant to Education Code section 44909 whose positions are funded by private or public contracts or who are serving in categorically funded projects may be treated as temporary employees only in limited circumstances.

To be treated as a temporary employee, the individual must be hired to perform services conducted under (a) contract with public or private agencies or (b) categorically funded projects which are not required by federal or state statutes. The individual must be so employed for the complete term of the contract or categorically funded project. Absent a showing of facts that demonstrate these circumstances exist, the individual must be classified as a probationary employee and must be provided all rights and privileges of a probationary employee.

Therefore, districts are required to provide these temporary certificated employees reduction-in-force rights pursuant to Education Code 44955, if the categorical funds used for their positions could be considered on-going.

Additionally, the District hired three (3) Early Admission Kindergarten teachers in temporary contracts from January through June, and those certificated employees must also be afforded the same reduction-in-force rights pursuant to Education Code 44955.

ADMINISTRATIVE RECOMMENDATION

It is recommended the Board adopt the attached Resolution 11-12-17, Reducing Certain Certificated Services for the 2012-2013 School Year.

La Mesa-Spring Valley School District

RESOLUTION 11-12-17

REDUCING CERTAIN CERTIFICATED SERVICES FOR THE 2012-2013 SCHOOL YEAR

On Motion of Member _____, seconded by Member _____, the following resolution is adopted:

WHEREAS, the Governing Board of the La Mesa-Spring Valley School District has determined that it shall be necessary to reduce the particular kinds of services of the District as itemized in Exhibit "A" at the close of the current school year; and

WHEREAS, it shall be necessary to terminate at the end of the 2011-2012 school year, the employment of certain certificated employees of the District as a result of this reduction of particular kinds of services; and

WHEREAS, the Board finds that it is in the District's best interest to adopt competency standards for bumping purposes where a certificated employee shall be deemed competent for an assignment if he or she is "highly qualified" for the new assignment as specified under the No Child Left Behind Act of 2001.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the La Mesa-Spring Valley School District directs the Superintendent to send appropriate notices to all employees whose services shall be terminated by virtue of this action. Nothing herein shall be deemed to confer any status or rights upon temporary or categorically funded certificated employees in addition to those specifically granted to them by statute.

PASSED AND ADOPTED by the Board of Education of the La Mesa-Spring Valley School District of San Diego County, California, this 12th day of March, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

I, Brian Marshall, Secretary to the Board of Education of the La Mesa-Spring Valley School District of San Diego County, California, do hereby certify the foregoing is a full, true, and correct copy of a resolution adopted by said Board at a special meeting held on the 12th day of March, 2012.

Brian Marshall, Secretary to the Board of Education

La Mesa-Spring Valley School District

EXHIBIT A

Recommended Reduction in 2012-2013 Programs/Services for the
La Mesa-Spring Valley School District

The Superintendent recommends the Governing Board adopt a resolution to reduce the programs and services for the 2012-2013 school year as follows:

<u>Services</u>	<u>Number of Full-Time Equivalent Positions</u>	
Elementary Teaching Services – Early Admission Kindergarten	3.0	FTE
Teaching Services – Intervention Support	2.5	FTE
Teaching Services – Reading Resource	1.0	FTE
TOTAL	6.5	FTE